

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

WASHINGTON STATE COMMISSION FOR THE BLIND

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 82-01

(1) Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, Washington 98118 (place)

that it does promulgate and adopt the annexed rules relating to: WAC TITLE 67, Chapter 30, Sections 005, 080, 090, 100, 120, 125, 150, 180, 185, 310 and 320, concerning the Vocational Rehabilitation Program of the Commission.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 81-17-081 filed with the code reviser on 8-19-81. Such rules shall take effect:  pursuant to RCW 34.04.040(2).  at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the \_\_\_\_\_

\_\_\_\_\_ (agency) has authority to implement the provisions of \_\_\_\_\_ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the WASHINGTON STATE COMMISSION FOR THE BLIND (agency) as authorized in RCW 74.16.430(1) and 74.16.450.

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 26B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 24, 1981

FEB 24 1982

By Paul Dzedzic  
Paul Dzedzic  
Executive Director

CODE REVISER'S OFFICE  
WSR 82-06-022

Title

NEW SECTION

WAC 67-30-005 POPULATION TO BE SERVED. (1) Vocational rehabilitation services shall be provided by the commission to persons with visual impairments in accordance with applicable state and federal laws and regulations and who meet the following criteria:

(a) Progressively deteriorating vision which is expected to result in blindness under RCW 74.16.183 within the time the individual could be expected to complete an individualized written rehabilitation program.

(b) No vision or whose vision with corrective lenses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) The commission shall provide vocational rehabilitation services to all applicants who can be expected to complete an individualized written rehabilitation program.

(3) If through physical restoration an individual's vision is restored so as to allow that individual to perform ordinary activities, further services will be limited to those defined in the individualized written rehabilitation program.

(4) Visually impaired persons who do not meet the criteria in paragraphs 1.a and 1.b. above and whose eye disorders are reported as being stable will be referred to the state division of vocational rehabilitation.

(5) All other persons with physical or mental disabilities who have no visual impairment will be referred to the state division of vocational rehabilitation.

NEW SECTION

WAC 67-30-080 PHYSICAL AND MENTAL RESTORATION SERVICES. (1) Physical and mental restoration services will be provided to or arranged for a client under an individualized written rehabilitation program when, in the judgment of the vocational rehabilitation counselor, in consultation with the medical consultant, it can be determined that:

(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and

(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a reasonable period of time; or

(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.

(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.

(3) Authorized physical and mental restoration services may be provided by physicians, dentists, and other health-related professionals who are licensed in the state.

(4) The client has the option, when receiving physical and mental restoration services, to choose the physician or other health-related professional and the appropriate facilities from among those licensed in the state. These service providers and the facilities must be willing to accept reimbursement in accordance with the Washington state department of social and health services Schedule of Maximum Allowances and Program Descriptions.

(5) For clients in extended evaluation, restorative services may be provided to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

## NEW SECTION

WAC 67-30-090 COUNSELING AND GUIDANCE. (1) Counseling and guidance services will be provided by the commission as necessary to:

(a) Assist the individual to understand his/her capacities, aptitudes and interests.

(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.

(c) Assist the client to select a suitable and realistic vocational goal.

(d) Assist the individual to understand the services available to him/her from the commission and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.

(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job interviews and tests, and the establishment and maintenance of effective interpersonal relationships.

(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.

(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) Counseling and guidance will be provided without regard to economic need.

(3) Counseling and guidance is a necessary and key function of the counselors in facilitating the development of the individual being served.

(4) Counseling and guidance is an ongoing process and will continue even though the client may be a student in the commission's rehabilitation center.

(5) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.

## NEW SECTION

WAC 67-30-100 VOCATIONAL TRAINING AND OTHER TRAINING. (1) The commission may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in paragraph #5 below.

(2) The commission will operate and maintain a training center for pre-vocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless maximum efforts have been made by the commission on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services.

(4) The commission may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount available to the same individual if education were pursued in the highest cost public institution within the state unless the private institution or out-of-state institution provides the only access to the achievement of the individual's vocational goal.

(7) The commission may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the agency in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

#### NEW SECTION

WAC 67-30-120 READER SERVICES. (1) The commission will provide or cause to be provided reader services to those clients under an individualized written rehabilitation program who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment.

(2) Reader services consists of oral reading to the blind individual of ink-print material which is not available through any of the usual, special, non-visual methods of reading used by blind persons.

(3) Reader services may be provided, despite the availability of alternatives to ink-print, when the client's skills in using non-visual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.

(4) The employment and rates of payment will be governed by the commission's procedures for purchase of reader services. Ordinarily, readers will be paid no more than the national minimum wages; however, exceptions may be made under the commission's procedures governing reader services.

(5) The commission's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings.

NEW SECTION

WAC 67-30-125 INTERPRETER SERVICES FOR DEAF PERSONS. The commission will provide interpreter services for deaf persons needing this service in all stages of involvement with the commission while a client or applicant, or during appeal of a contested decision by an employee of the commission which directly affects the client or applicant.

NEW SECTION

WAC 67-30-150 SERVICES TO FAMILY MEMBERS. (1) Services to family members may be provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.

(2) The services provided to family members may include any of the vocational rehabilitation services available to clients of the commission. However, the services must be directly related to the vocational rehabilitation of the client. Family members of any age may be served. Services provided to family members must be documented and justified in ways consistent with agency vocational rehabilitation case documentation procedures and vocational rehabilitation policies.

(3) "Family member" may include any relative by blood or marriage of a client and all other individuals living within the same household where close interpersonal relationships between them and the client characterize a family unit.

(4) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.

(5) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.

NEW SECTION

WAC 67-30-180 OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS AND SUPPLIES. (1) The commission may provide or cause to be provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.

(a) Occupational licenses will include any license, permit or other written authority required by a state, city, or other government unit to be obtained in order to enter an occupation or enter a small business.

(b) Occupational tools will include those customarily required for a worker to perform efficiently on the job and normally provided by workers in the same or similar trade or profession, and may also include specialized tools adapted to use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client.

(c) Occupational equipment will include occupational fixtures normally found in places of business. These may consist of apparatuses, machinery, and appliances that are usually of a stationary nature during the time of utilization in a particular business trade or profession. However, self-powered vehicles may be provided under this section.

(d) Initial stocks will include the initial inventory of merchandise or goods necessary for a client entering self-employment. It may also include the initial purchase of livestock as a base stock and stocks of seed, fertilizer fuel, etc., for farming or agricultural self-employment.

(e) Initial supplies will include expendable items necessary to enable the client to carry out the day-to-day operations and which are consumed on the premises in the course of the client's self-employment business.

(2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in an employment, self-employment, or post-employment setting where the items will be used.

(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.

(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the commission's procedures governing their provision.

(5) The matters of accountability, legal title, insurance, maintenance and similar considerations with regard to occupational tools, equipment, initial stocks and supplies are addressed in detail in the commission's procedures governing their provision.

(6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.

#### NEW SECTION

WAC 67-30-185 TRANSPORTATION. (1) The commission will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances.

(b) Food and/or lodging while in travel status.

(c) Attendants or escorts for clients and the attendants' or escorts' travel costs.

(d) Reimbursement for relocation and moving expenses when a satisfactory adjustment to a job has been made and job security has been established.

#### NEW SECTION

WAC 67-30-310 RESPONSIBILITIES OF MEDICAL CONSULTANT. (1) The commission shall provide or cause to be provided the time of a medical consultant to ensure availability of regular, systematic consultation, at least weekly, to the counseling staff, on a face-to-face basis.

(2) The medical consultant will take an active part in planning with and advising the counselor in cases when physical or mental restoration is being considered.

(3) The medical consultant will be actively involved in the planning when use of unusual, non-traditional, long-term or very costly procedures are being seriously considered.

(4) The medical consultant will keep fully informed about the progress of all clients undergoing physical or mental restoration services by reviewing all related progress reports as they are received, and by discussing future planning with the client's counselor.

(5) Upon request of the director or his/her designee, the medical consultant will periodically assess the effectiveness of the services provided by selected vendors and facilities, so that these findings can be given appropriate consideration when planning with future clients.

(6) The medical consultant will develop and maintain appropriate relationships with the medical community and identify medical resources.

(7) Upon request by the director or his/her designee, the medical consultant will provide technical assistance regarding medical devices and techniques.

(8) Upon request by the director or his/her designee, the medical consultant will provide in-service training for commission staff.

#### NEW SECTION

WAC 67-30-320 OTHER GOODS AND SERVICES. The commission may provide other goods and services: (1) To determine the nature of an applicant's handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability.

(2) To maintain the individual client in his/her written rehabilitation program or to enable him/her fit to engage in a gainful occupation.

(3) In the case of intercurrent illnesses, unforeseen accidents, and other interruptions not necessarily related to the disability, but which could constitute a hazard to the evaluation of rehabilitation potential or to the achievement of the vocational objective.

(4) Which are not otherwise described in commission rules or policies, but which are essential to the success of a client's individual written rehabilitation program.